

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-544-RJC-DSC**

PAMELA J. MITCHELL,)
)
Plaintiff,)
)
vs.) **ORDER**
)
MICHAEL J. ASTRUE, Commissioner of)
Social Security Administration,)
)
Defendant.)
)

THIS MATTER comes before the Court on Plaintiff Pamela Mitchell's (the "Claimant") Motion for Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A). (Doc. No. 21).

On October 24, 2011, the Court remanded the Commissioner's decision to deny the Claimant benefits. (Doc. No. 19). She now seeks attorney's fees in the amount of \$6,315.81. (Doc. No. 21). An award of attorney's fees under the Equal Access to Justice Act is "mandatory unless the government can demonstrate that its position was 'substantially justified.'" EEOC v. Clay Printing Co., 13 F.3d 813, 815 (4th Cir. 1994). Here, the government consents to paying the requested fees. (Doc. No. 23 at 1). Such a fee award, however, is subject to offset by any debt the Claimant may owe to the United States. Comm'r of Soc. Sec. v. Ratliff, 130 S. Ct. 2521 (2010).

IT IS, THEREFORE, ORDERED that the United States shall pay the Claimant six thousand, three hundred fifteen dollars and eighty-one cents (\$6,315.81). The Commissioner shall determine within thirty days of the date of this Order whether the Claimant owes any debt

to the United States. If so, the instant award shall first be used to satisfy that debt, and if any funds remain, they will made payable to the Claimant and mailed to the Claimant's attorney, George C. Piemonte.

Signed: January 11, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

